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Bulletin

Title: Telework and Leave Guidance During Closures

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This bulletin provides the ARS guidance for telework and leave during facility closures due to emergency events.
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Purpose

This guidance communicates expectations for ARS employees during situations where facilities are closed due to emergency events, such as snowstorms, hurricanes, and maintenance (e.g., power and water outages).

Background

In an effort to align more closely with the U.S. Office of Personnel Management's (OPM) practices and ensure uniformity across the agency, ARS has developed agency-wide guidance to establish telework and leave expectations for employees during situations where facilities are closed due to emergency events. The guidance is based on the principle that the agency's vital business must continue without compromising the safety of our employees and the general public.

Policy

Advance notice of impending events, such as snowstorms or hurricanes, is often available, allowing employees and supervisors to take steps to ensure they are telework-ready. When there is advance notice of weather or other events that may result in a facility closure, the following guidance will apply to all ARS employees, subject to requirements in any collective bargaining agreements.

- All telework-ready employees will be required to telework during facility closures to the maximum extent possible, regardless of the type of agreement they have in place (core or ad hoc/situational) or whether they were officially scheduled to telework on the day of a closure.
- Employees will be considered to be telework-ready during a closure situation if they have an approved core or situational telework agreement in place and the equipment, work, and means available to continue working. Supervisors and employees should develop a work plan that addresses the work that may be done and equipment needed to do it. For example, some systems are not accessible using an iPad or other mobile device. Therefore, in some situations, having just an iPad does not constitute being telework-ready. Supervisors may also approve a combination of leave and telework if the work plan does not encompass a full day.

See Appendices 1) Frequently Asked Questions, and 2) Telework Readiness Tips, for additional information.

- If a telework-ready employee is unable to telework during a closure due to circumstances beyond his/her control, then the employee must inform the supervisor and communicate the reason for his/her inability to continue working as soon as circumstances permit.
- Employees who provide their supervisors with a valid reason for not being telework-ready (i.e., unable to continue working) during a closure situation will be granted administrative leave, if that option has been authorized for non-teleworkers.
- Examples of valid reasons in which a telework-ready employee might not be able to telework include power outages, loss of Internet connectivity, lack of appropriate equipment, and/or the need to provide dependent care. Assuming sufficient advance warning of an event that would cause a closure, lack of preparedness to telework will not be considered a valid reason. Supervisors may consider other circumstances on a case-by-case basis. Supervisors may also approve combinations of telework, leave and/or administrative leave as appropriate.
- During weather and other emergencies when OPM, the Agency, or Location leadership declare that federal offices are closed, employees on pre-approved leave will no longer automatically be granted administrative leave. Appendix 3 provides a decision matrix for how to apply this guidance, as well as sample scenarios to illustrate application.
- Communication between supervisors and employees is a critical component of a successful telework arrangement. Setting clear expectations in advance and communicating telework status as soon as possible during a closure provides for stronger continuity of operations. Supervisors should identify and clearly convey any communications expectations they may have, such as for timeliness, means of responding to the supervisor, customers, and co-workers.

NOTE: This guidance does not define the process to determine if or when a facility should close. In the Washington, DC metropolitan area, the OPM makes and communicates the decision to close federal facilities. In other large metropolitan areas across the United States, a Federal Executive Board decides when to close federal facilities due to weather and other emergency events. However, the majority of ARS locations are not covered by a Federal Executive Board. In those situations, local leadership, in consultation with the Area Director or other appropriate leadership, makes the decision to close federal facilities due to weather and other emergency events.

Responsibilities

Supervisors

- Ensure employees that are eligible to telework have an approved Telework Agreement, Form AD-3018, to participate in core or situational telework or to opt out of participation in the program.
- Discuss guidance outlined in this Bulletin with employees.
- Develop and communicate expectations for communication with employees during emergency situations.
- To the extent possible, ensure that teleworkers are telework-ready. This includes allowing employees with approved situational telework agreements to telework occasionally outside of emergency events to develop good telework skills and habits.

Employees

- If telework eligible, work with supervisor to complete a Telework Agreement, Form AD-3018, to request participation in core or situational telework or to opt out of participation in the program.
- Work with supervisor and IT staff to ensure telework readiness.
- In the event of an emergency situation, communicate telework status to supervisor.
- Inform supervisor if circumstances prevent or limit telework.

Authorities

P.L. Number 111-292, “Telework Enhancement Act of 2010.”

Departmental Regulation (DR) 4080-811-002, “Telework Program,” January 20, 2014.

OPM Memorandum to Executive Heads of Agencies, “Washington, D.C., Area Dismissal or Closure Procedures,” November 2012.

Definitions

1. **Emergency Situation** - An event, incident, or circumstance that interrupts or may compromise normal daily operations, travel to or from an official or alternative worksite. This may include issues of national security, extended emergencies, inclement weather, travel conditions, civil disruptions, public health emergencies, power outages, or other unique situations which result in an official announcement of an operating status authorizing unscheduled telework.
2. **Core Telework** - Regularly scheduled telework that occurs at least 1 scheduled day per biweekly pay period, on a recurring basis, and is part of an approved work schedule.
3. **Ad Hoc/Situational Telework** - Telework that occurs on an irregular, non-scheduled basis that is not suitable for a regular recurring Core Telework agreement.
4. **Telework-Ready** - Refers to all eligible employees with an approved core or ad hoc telework agreement and who are prepared and equipped to telework. If unable to telework when required, use of paid or unpaid leave may be requested.
5. **Unscheduled Telework** - Telework that is authorized in response to specific duty status announcements issued by OPM or other authorized USDA officials for use during period of inclement weather or other emergency situations, or with prior supervisory approval; telework used to maintain productivity during short-term situations.

Diane T. McFadgen
Director, Human Resources Division

August 19, 2015
Date

Appendix 1 - Frequently Asked Questions (FAQs)

Q. Can I be required to telework?

- A. If you are determined eligible to telework by your supervisor, it is your choice to request participation in the USDA Telework Program. Once you are approved for telework, your supervisor should communicate whether you are deemed telework-ready. Employees deemed telework-ready will be required to telework during an office closure in accordance with Bulletin, Telework and Leave Guidance During Closures.

Q. Do I need to work the same tour of duty during the office closure?

- A. Employees can request to make changes in their work schedules (i.e., altering starting or ending times) in order to accommodate personal issues that may require their attention due to inclement weather. Employees may also request to use a combination of paid leave, unpaid leave, and changes to their work schedules, in combination with instances of telework for a portion of a duty day, as long as the combined hours used account for a full tour of duty. Employees should communicate with their supervisors to find solutions that work best for their particular circumstances.

Q. What if I have dependents in the home? Can I telework?

- A. Employees who have dependents that **require their supervision**, must not count time spent as a caregiver, as telework. However, it is permissible to have dependents in the home while teleworking, providing there is an alternate caregiver or that the dependents do not require supervision during the employee's official duty time. Employees with dependents that require their supervision may also request combinations of changes to their work schedules, or use of leave along with instances of telework to accommodate their specific circumstances. The key being teleworkers must be performing official work during official duty hours, not caring for dependents that require supervision.

Q. My child's school closed because of weather and they DO require care. Do I have to telework?

- A. Employees that have dependents in the home that do require care, must not count time spent as a caregiver as telework. A school closure is an example of a situation that is beyond the employee's control. Employees in this circumstance, must inform their supervisor that they are not able to telework. Employees in this situation will be granted administrative leave provided that option has been authorized for non-teleworkers. Supervisors may also approve combinations of

telework and administrative leave as appropriate. An example of this includes needing to care for a dependent only for 2 hours and then teleworking for the remainder of the work day.

Q. Can my supervisor grant administrative leave to account for extraneous instances that are out of my control, that prevent me from teleworking?

A. Yes, supervisors can approve periods of administrative leave for employees who encounter extraneous circumstances that are out of the control of the employee which can interfere with their ability to telework when otherwise required or expected to do so. Examples include, but are not limited to:

- Power outages;
- Interference with internet connectivity;
- Dependent care when there are no other options available;
- Unavailability or access to specialized equipment that is required for performing telework.

Q. If an employee does not have enough work to do to fill a full tour of duty, may he/she receive administrative leave?

A. We recognize that while some employees' positions have been designated eligible for telework, their positions may not have as much portable work as other types of jobs. Remember, professional training and development are acceptable activities. We also encourage the employee and supervisor to have advance conversations about what work might be done at a telework location to foster preparedness for these types of situations. However, the point is not to invent work to fill time. If there truly is not enough useful work to fill a duty day on the day of a closure, the supervisor may grant administrative leave or a combination of telework and administrative leave.

Appendix 2 – Telework Readiness Tips

Maintaining telework readiness in emergencies benefits both supervisors and employees. Teleworking during emergencies reduces stress, helps to ensure employee safety, and allows employees to continue to meet their deadlines. Supervisors and employees benefit because work is able to continue without interruption. Please keep in mind that employees must have an approved core or situational telework agreement in place, as well as available work and equipment in order to be considered telework ready.

Supervisors

- Review telework agreements and ensure that all eligible employees have an agreement in place (core, ad hoc/situational or opt out).
- Consider approving at least ad hoc/situational telework agreements for telework-eligible employees who request an agreement. Make sure you have completed Telework 101 for Managers training (available in AgLearn).
- Allow employees who do not telework regularly to telework occasionally (e.g., once a month), so they will know what to do in emergency situations.
- To the extent possible, provide teleworkers with the equipment necessary to telework. (You may need to refer to applicable Labor agreement(s).)
- If use of non-government furnished equipment is authorized, ensure teleworkers have the means and knowledge to access agency networks securely from an alternative work site.
- Communicate your expectations clearly for how teleworkers should operate and communicate when working remotely.
- Provide employees with contact information as to how to reach you and their colleagues as applicable in the event of an emergency.
- Discuss the types of work employees may reasonably do while teleworking. Consider that online professional development, training, and reading assignments are also appropriate and permissible duties for telework.
- USDA policy permits appropriate combinations of paid or unpaid leave and telework when an employee is not able to telework for an entire day or the full duration of an emergency.

Employees

- If you are telework eligible and do not have an approved telework agreement in place (core, ad hoc/situational, or opt out), talk to your supervisor and complete an agreement form. Remember you must complete Telework 101 training (available in AgLearn) in order to telework.
- Keep in mind that if you decide to opt out of participating in telework, you will not have the option to use unscheduled telework when it is authorized by OPM or other appropriate authority.
- When there is advance notice of an impending emergency (snowstorm, hurricane, etc.) plan for the work you wish to accomplish for one or more telework days.
- Make sure you have the work materials, equipment and means of access you need to perform the work you plan to do.

- If you have not teleworked regularly, consider requesting occasional telework days to practice teleworking before there's an emergency.
- Know how to reach your supervisor and ensure your supervisor knows how to reach you.
- If OPM or another appropriate authority declares unscheduled telework and leave as options, be sure to notify your supervisor of your intent to make use of one or both of those options.

Appendix 3 - Decision Matrix on the Application of the Updated Leave Practice

Pre-Approved Paid Leave on a Day when Federal Office are Closed			
Scenario	Employees Required to Telework		Employees <u>NOT</u> Required to Telework
Sick Leave for routine doctor appointment, and doctor’s appointment is canceled. As a result, the employee’s sick leave must also be canceled*	Options---		Receive administrative leave
	Perform telework if telework-ready	Request annual leave or other time off	
Sick Leave for Employee Illness*	Remains on sick leave. Employee is sick and unable to work.		
Annual Leave ** (or any other pre-scheduled, approved leave other than sick leave)	Remains on annual leave (or any other pre-scheduled, approved leave other than sick leave). The employee is not prevented from working and/or there is no expectation for the employee to perform work.		
Notes: *Sick leave may only be used in accordance with law and regulation. See 5 CFR 630.401. **Employees on annual leave on a day when the Federal offices are closed will remain on leave. However, since the administration of leave remains at the discretion of the agency, agency- specific rules concerning when an employee will be permitted to cancel leave remains subject to agency policy in accordance with any applicable collective bargaining agreements or requirements (as consistent with law). For example, agency policies may allow an employee with a telework agreement to cancel annual leave to perform telework.			

Examples on the Application of the Updated Leave Practice

Example 1

Bob is a Federal employee. Bob is scheduled to be on pre-approved annual leave from February 3rd-7th. On February 4th, a massive snowstorm hits the area. OPM or Agency/Location leadership announces that Federal offices are closed on February 4th-7th. Bob does not receive any administrative leave/excused absence between the 4th and the 7th and will continue to be charged annual leave.

Note 1: This example would also apply to other types of leave other than sick leave, such as compensatory time, compensatory time for travel, credit time, time off award, etc.

Note 2: In this example, it does not matter whether Bob is a teleworker or non-teleworker. All employees who have pre-scheduled, approved, paid time off will not receive administrative leave/excused absence.

Example 2

Susan is a **telework-ready** Federal employee scheduled to be on sick leave for the entire day for a scheduled outpatient procedure on February 3rd. Her telework agreement requires her to telework when Federal offices are closed. On February 2nd, a massive snowstorm hits the area. OPM or Agency/Location leadership announces that Federal offices will be closed on February 3rd. Susan's outpatient procedure is canceled due to the snowstorm. Susan's agency should cancel her sick leave as it is no longer valid. Because she is subject to a telework agreement that requires her to telework on a day when Federal offices are closed, she must either perform telework or request leave (e.g., annual leave, compensatory time off, or leave without pay).

Example 3

Ray is a **non-telework-ready** Federal employee scheduled to be on sick leave for the entire day for a scheduled outpatient procedure on February 3rd. On February 2nd, a massive snowstorm hits the area. OPM or Agency/Location leadership announces that Federal offices will be closed on February 3rd. Ray's outpatient procedure is canceled due to the snowstorm. Ray's agency should cancel his sick leave as it is no longer valid. Ray receives administrative leave because he is not telework-ready.

Example 4

David is a **telework-ready** Federal employee scheduled to be on sick leave because he has flu-like symptoms and cannot perform work. His telework agreement requires him to telework when Federal offices are closed. On February 2nd, a massive snowstorm hits the area. OPM or Agency/Location leadership announces that Federal offices will be closed on February 3rd. David remains on sick leave because he cannot perform work.

In the [USDA Telework Program Departmental Regulation 4080-811-002 dated January 30, 2014](#), telework-ready has been defined as referring to all eligible employees with an approved Telework Agreement and who are prepared and equipped to telework (p. 7).

For Pay and Leave Questions Contact: Ted Nykiel, Pay and Leave Staff Supervisor, on 301-504-4426 or at Ted.Nykiel@ars.usda.gov or Michelyn Boyd, Human Resources Compensation Specialist, on 301-504-1466 or at Michelyn.Boyd@ars.usda.gov.

For Telework Questions Contact: Mari Gomez, Work/Life and Wellness Program Specialist, on 301-448-5597 or at Mari.Gomez@ars.usda.gov or Liz Parker, Work/Life and Wellness Program Manager, on 301-233-2995 or at Liz.Parker@ars.usda.gov.